

**Senate Bill No. 1208**

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Passed the Senate April 21, 2008

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*Secretary of the Senate*

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Passed the Assembly August 12, 2008

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 9004 and 9005 of the Elections Code, relating to elections.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1208, Ducheny. Elections: title and summary: fiscal estimate.

Existing law requires the Attorney General, upon receipt of a draft of a petition for a proposed measure, to draft a title and summary of the proposed measure. Existing law requires the Attorney General to determine whether a proposed measure would affect the revenues or expenditures of the state or local government. If the Attorney General determines that a proposed measure would affect state or local revenues or expenditures, he or she must include in the title either the estimate of the amount of change in state or local revenues or costs, or an opinion as to whether or not a substantial net change in state or local finances would result if the proposed initiative is adopted. Existing law requires the Department of Finance and the Joint Legislative Budget Committee to prepare jointly the fiscal estimate that is included in the title.

This bill would require that the fiscal estimate included in the title be prepared by the Legislative Analyst, who may request the assistance of any state department, agency, or official in preparing the fiscal estimate.

*The people of the State of California do enact as follows:*

SECTION 1. Section 9004 of the Elections Code is amended to read:

9004. (a) Upon receipt of a draft of a petition, the Attorney General shall prepare a summary of the chief purposes and points of the proposed measure. The summary shall be prepared in the manner provided for the preparation of ballot titles in Article 5 (commencing with Section 9050), the provisions of which in regard to the preparation, filing, and settlement of titles and summaries are hereby made applicable to the summary. The Attorney General shall provide a copy of the title and summary to the Secretary of State within 15 days after receipt of the final version of a proposed

initiative measure, or if a fiscal estimate or opinion is to be included, within 15 days after receipt of the fiscal estimate or opinion prepared by the Legislative Analyst pursuant to Section 9005.

(b) If during the 15-day period, the proponent of the proposed initiative measure submits amendments, other than technical, nonsubstantive amendments, to the final version of the measure, the Attorney General shall provide a copy of the title and summary to the Secretary of State within 15 days after receipt of the amendments.

(c) The proponent of an initiative measure, at the time of submitting the draft of the measure to the Attorney General, shall pay a fee of two hundred dollars (\$200), which shall be placed in a trust fund in the office of the Treasurer and refunded to the proponent if the measure qualifies for the ballot within two years from the date the summary is furnished to the proponent. If the measure does not qualify within that period, the fee shall be immediately paid into the General Fund of the state.

SEC. 2. Section 9005 of the Elections Code is amended to read:

9005. (a) Notwithstanding Section 9004, the Attorney General, in preparing a title or summary for an initiative measure, shall determine whether the substance thereof if adopted would affect the revenue or expenditures of the state or local government, and if he or she determines that it would, he or she shall include in the title either the estimate of the amount of increase or decrease in revenue or cost to the state or local government, or an opinion as to whether or not a substantial net change in state or local finances would result if the proposed initiative is adopted.

(b) The estimate as required by this section shall be made by the Legislative Analyst, who shall deliver the estimate to the Attorney General so that he or she may include the estimate in the title prepared by him or her. The Legislative Analyst may request the assistance of any state department, agency, or official in preparing his or her estimate.

(c) The estimate shall be delivered to the Attorney General within 25 working days from the date of receipt of the final version of the proposed initiative from the Attorney General, unless in the opinion of the Legislative Analyst a reasonable estimate of the net impact of the proposed measure cannot be prepared within the 25-day period. In the latter case, the Legislative Analyst shall,

within the 25-day period, advise the Attorney General as to whether or not a substantial net change in state or local finances would result if the proposed measure is adopted.







Approved \_\_\_\_\_, 2008

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*Governor*